

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION No: 25892 of 1995

Between:

1486 Redeployed Allwyn Employees Association
(Regd.No.271/95) 3-4-119/4, Ramanantapur,
Hyderabad, rep., by its General Secretary,
D.Narsaiah, S/o.Narayana, aged 33 years,
Working as Supervisor, I & CAD Department,
R/o. of Hyderabad.

..... PETITIONER

AND

1. Government of A.P., rep., by its Chief Secretary,
Secretariat, Hyderabad.
2. Government of A.P., rep., by its Principal Secretary,
Industries and Commerce Department,
Secretariat, Hyderabad.

3. Managing Director, Hyderabad Allwyn Limited,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, particularly a writ in the nature of Mandamus, declaring the action of the respondents in not putting the members of the petitioners Association on regular scales of pay and on probation w.e.f. 1-8-95 as per the terms of the Settlement under Sec.12(3) of the Industrial Disputes Act, dated 13-3-93 and as per G.O.Ms.No.384 dated 31-3-9 as totally illegal, without jurisdiction and violative of Art.14, 16 and 21 and 39(1)(d) of the Constitution of India and quash the G.O.Ms.No.199, dated 14.10.1996 and consequently direct the respondents to regularize the services of the members of the petitioners association who are casual workmen by granting them regular scales of pay w.e.f. 1-8-95 with all consequential benefits.

Counsel for the Petitioner: MR.S.LAKSHMA REDDY

Counsel for the Respondent Nos.1 & 2: Advocate General

Counsel for the Respondent No.3: MR.K.SRINIVASAMURTHY

The Court made the following:

ORAL ORDER:-

The Writ Petition is filed seeking Writ of Mandamus declaring the action of the respondents in not putting the members of the petitioner's association on regular scales of pay and on probation with effect from 01.08.1995 as per the terms of the settlement under Section 12(3) of the Industrial Disputes Act, dated 13.03.1993 and as per G.O.Ms.No.384, dated 31.03.1993 as totally illegal, without jurisdiction and violative of Article 14, 16 and 21 and 39 (1) (d) of the Constitution of India.

2. Learned counsel for the petitioner strenuously contends that when the date has been fixed by the Government in G.O.Ms.No.384, dated 31.03.1993, to give the scales of pay from 01.04.1993, it is bound to implement the same by the Management, and therefore, this Court is empowered to grant such a relief. He further submits that subsequently the Government issued revised Government Order changing the date from 01.08.1995 to the date of interim order, which is illegal and contrary to law.

3. We are not inclined to go into the merits of the Writ Petition.

4. Firstly, the names of the Members of the Union have not been mentioned and the matter relates to an individual grievance and it cannot be decided under a collective dispute, inasmuch as the Members of the Union obviously have become Government servants. It is always open to them to make individual representations and get the relief, if they so choose, in accordance with the Rules and the G.Os., issued by the Government.

5. Under those circumstances, I find that the Writ Petition is not maintainable, and is accordingly dismissed. No costs.

6. However, I leave it open to the members of the Union viz., Allwyn Employees Association, who are absorbed into the Government department by virtue of the orders passed by this Court and Supreme Court and also the G.Os., issued by the Government, to agitate the same before the Tribunal, if they so choose.

G. BIKSHAPATHY, J.

Date: 17.02.2005

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To

1. The Chief Secretary, Government of A.P.,
Secretariat, Hyderabad.

2. The Principal Secretary, Government of A.P.,
Industries and Commerce Department,
Secretariat, Hyderabad.

3. Managing Director, Hyderabad Allwyn Limited,
Hyderabad.

4. 2 CD copies

5. 2 CCs to the Advocate General, High Court of A.P., Hyderabad (OUT).